

ORDINANCE NO. 08- \_\_\_\_\_

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3 AN ORDINANCE OF THE BOARD OF COUNTY  
4 COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING  
5 SUBDIVISION 2., TRADITIONAL ZONING DISTRICTS, OF  
6 DIVISION 6., ZONING DISTRICTS AND OFFICIAL ZONING  
7 MAP, OF ARTICLE VI, ZONING, CHAPTER 10, OF THE CODE  
8 OF LAWS OF LEON COUNTY, FLORIDA, LAND  
9 DEVELOPMENT CODE, TO AMEND SECTION 10-1,  
10 DEFINITIONS, FOR THE PURPOSE ESTABLISHING A NEW  
11 DEFINITION FOR COMMUNITY GARDEN AND AMENDING  
12 ARTICLE VI, ZONING, DIVISION 8, SUPPLEMENTARY  
13 REGULATIONS FOR SPECIFIC USES, FOR THE PURPOSE OF  
14 ESTABLISHING A NEW SECTION SETTING OUT STANDARDS  
15 FOR COMMUNITY GARDENS IN RESIDENTIAL DISTRICTS;  
16 PROVIDING FOR CONFLICTS; PROVIDING FOR  
17 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

18 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON  
19 COUNTY, FLORIDA:

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21 **SECTION 1.** Article I of Chapter 10 of the Code of Laws of Leon County, Florida,  
22 entitled "In general" is hereby amended to amend Section 10-1.101, "Definitions," as  
23 follows:

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25 Community garden shall mean any garden established on a lot or parcel associated  
26 with a lawfully established residential use in a residential district for the purpose of  
27 growing produce or horticultural plants for the enjoyment and consumption of the  
28 residents, neighbors, friends, and family. Community gardens do not include gardens  
29 wherein plants are grown for the purpose of commercial wholesaling.

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31 **SECTION 2.** Division 8, Article VI of Chapter 10 of the Code of Laws of Leon County,  
32 Florida, entitled "Zoning, Supplementary regulations for specific uses" is hereby  
33 amended to establish a new section, Section 10-6.816, "Community gardens" as follows:  
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1 Sec. 10-6.816 Community gardens.  
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3 (1) Purpose and intent. To allow residents and their neighbors to grow produce and  
4 horticultural plants for their consumption and enjoyment and for consumption and  
5 enjoyment by friends and relatives on a not-for profit basis, except as expressly  
6 provided herein, without creating adverse environmental impact or land use  
7 incompatibilities.

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9 (2) Exception. This section shall not be construed so as to apply to any garden  
10 established as an accessory use to an allowed principal residential use.

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12 (3) General provisions. Community gardens may be established on any parcel upon  
13 which a lawfully established residential use is located, or any adjacent parcel,  
14 with permission of that property's owner. Community gardens may extend over  
15 multiple parcels.

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17 (4) Specific standards. Community gardens shall comply with the following specific  
18 standards:

19 a. Size limitation. A community garden may not be greater in size than one  
20 acre.

21 b. Environmental permit requirements. Any person wishing to establish a  
22 community garden of greater than one-half acre in size shall be required to  
23 contact the Department of Growth and Environmental Management to

1 determine whether an environmental permit shall be required as a  
2 prerequisite.

3 c. *Noise limitations.* No gardening activities may take place before sunrise  
4 or after sunset. The use of hand tools, and domestic gardening tools and  
5 equipment is encouraged; the use of small power equipment, such as gas-  
6 powered tillers and edgers are allowed; however, gas-powered equipment  
7 of greater than 10 horsepower is prohibited.

8 d. *Maintenance responsibilities.* The owner of the property(-ies) on which  
9 the community garden is located shall be responsible for maintaining the  
10 property, so that it does not become: overgrown with weeds; infested by  
11 invasive exotic plants or vermin; or, a source of erosion or stormwater  
12 runoff; or pollution by fertilizer or pesticide, insecticide, herbicide or other  
13 agricultural-use chemicals.

14 e. *Agricultural chemical application.* Application of fertilizer, pesticide,  
15 insecticide, herbicide or and agricultural-use chemicals shall be consistent  
16 with label instructions.

17 f. The owner of any community garden shall ensure that the garden complies  
18 with applicable standards set out in Article IV, Environmental  
19 management.

20 g. *Sale of produce and horticultural plants.* The produce and horticultural  
21 plants grown in a community garden are not intended to be sold wholesale  
22 nor offered for sale on the premises except that surplus may be sold in  
23 compliance with Section 10-6.803 (c), Accessory uses, home occupation.

1            h. Community gardens not eligible for any agricultural tax exemption.

2            Community gardens are accessory to the principal use of property for  
3            residential use and shall not be considered as principal agricultural uses  
4            and shall not be construed so as to qualify for agricultural tax exemptions  
5            afforded by the local, state, or federal government.

6            (5) Biennial review. The regulations and standards for community gardens shall be  
7            reviewed on a biennial or more frequent basis as may be required by the Board of  
8            County Commissioners to ensure their efficacy and fairness. The review shall be  
9            conducted by the Department of Growth and Environmental Management or their  
10           successor agency. The review shall document any outstanding issues and provide any  
11           recommendations for modifications to the standards and regulations set out herein.

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13        **SECTION 3. Conflicts.** All ordinances or parts of ordinances in conflict with the  
14        provisions of this Ordinance are hereby repealed to the extent of such conflict, as of the  
15        effective date of this Ordinance, except to the extent of any conflicts with the  
16        Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall  
17        prevail over any parts of this Ordinance which are inconsistent, either in whole or in part,  
18        with the Comprehensive Plan.

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20        **SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or  
21        portion of this article is for any reason held invalid or unconstitutional by any court of  
22        competent jurisdiction, such portion shall be deemed a separate, distinct, and independent  
23        provision and such holding shall not affect the validity of the remaining portions of this  
24        Ordinance.  
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1 SECTION 5. Effective date. This ordinance shall be effective according to law.

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3 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon  
4 County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2009.

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LEON COUNTY, FLORIDA

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BY: \_\_\_\_\_

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BRYAN DESLOGE, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

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ATTEST:

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BOB INZER, CLERK OF THE COURT

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LEON COUNTY, FLORIDA

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BY: \_\_\_\_\_

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APPROVED AS TO FORM:

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LEON COUNTY ATTORNEY'S OFFICE

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BY: \_\_\_\_\_

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HERBERT W.A. THIELE, ESQ.

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COUNTY ATTORNEY

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